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## AMENDMENTS TO THE CLAIMS:

This listing will replace all prior versions, and listings, of claims in the application.

## Listing of Claims:

1 (Canceled).

2 (Canceled).

3 (Currently amended). A disposable absorbent article as set forth in claim [[2]] 36 wherein said portion of the medial surface of the flap first layer extends substantially from the base of the flap to the distal end of the flap.

4 (Currently amended). A disposable absorbent article as set forth in claim [[2]] 36 wherein the flap second layer is secured to the medial surface of the flap first layer at a first seam therebetween generally at the distal end of the  
5 flap.

5 (Canceled).

6 (Currently amended). A disposable absorbent article as set forth in claim [[5]] 37 wherein said second seam is located generally at the base of the flap.

7 (Currently amended). A disposable absorbent article as set forth in claim [[6]] 37 wherein the flap second layer is tucked between the medial surface of the flap first layer and the inner layer of said article generally at said second seam,  
5 said flap second layer being secured to the inner layer of said article thereby securing the base of the flap to the inner layer of said article.

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8 (Currently amended). A disposable absorbent article as set forth in claim [[1]] 36 wherein said portion of the medial surface of the flap first layer extends from the base of the flap generally to the distal end of said flap, said flap second  
5 layer extending generally from the distal end of said flap to the inner layer of said article in spaced relation with said portion of the medial surface of the flap first layer to define the surge chamber therebetween, the inner layer of said article further defining said surge chamber.

9 (Original). A disposable absorbent article as set forth in claim 8 wherein the flap second layer is secured to the inner layer of said article in spaced relation with the flap first layer.

10 (Original). A disposable absorbent article as set forth in claim 8 wherein the surge chamber has a generally triangular cross-section.

11 (Currently amended). A disposable absorbent article as set forth in claim [[1]] 36 wherein the flap second layer is secured to the medial surface of the flap first layer in spaced relation with the base of the flap to define a seam between the  
5 flap second layer and the medial surface of said flap first layer, said portion of the medial surface of the flap first layer extending between the base of the flap and said seam, the flap second layer extending between the inner layer of said article and said seam in spaced relation with said portion of  
10 the medial surface of the flap first layer to define the surge chamber therebetween, the inner layer of said article further defining said surge chamber.

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12 (Original). A disposable absorbent article as set forth in claim 11 wherein the flap second layer is secured to the flap first layer generally at the distal end of the flap to define said seam, said flap second layer being further secured  
5 to the inner layer of said article in spaced relation with said flap first layer.

13 (Original). A disposable absorbent article as set forth in claim 11 wherein the surge chamber has a generally triangular cross-section.

14 (Canceled).

15 (Currently amended). A disposable absorbent article as set forth in claim [[14]] 38 wherein the flap second layer overlays substantially the entire lateral surface of the flap first layer.

16 (Currently amended). A disposable absorbent article as set forth in claim [[1]] 36 wherein the flap second layer [[in]] is constructed of a non-woven material.

17 (Original). A disposable absorbent article as set forth in claim 16 wherein the flap second layer is constructed of a spunbond polypropylene non-woven web.

18 (Currently amended). A disposable absorbent article as set forth in claim [[1]] 36 wherein the flap second layer is constructed of a film, at least a portion of said film having apertures formed therein.

19 (Original). A disposable absorbent article as set forth in claim [[1]] 36 wherein the flap first layer is substantially liquid impermeable.

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20 (Currently amended). A disposable absorbent article for personal wear, said disposable absorbent article comprising:

an inner layer adapted for contiguity with the wearer's skin, at least a portion of said inner layer being liquid permeable;

an outer layer in opposed relation with the inner layer of said article;

an absorbent body disposed between the inner layer and the outer layer of said article for absorbing liquid body waste; and

a pair of containment flaps secured to the inner layer of said article in spaced relation with each other, each flap having a base secured to the inner layer of said article and a distal end, at least a portion of the distal end being movable relative to said base to a position in which the flap is spaced from the inner layer of said article, said containment flaps each comprising:

a first layer extending from the base of the flap to the distal end of said flap, said flap first layer having a lateral surface and a medial surface; and

a liquid permeable second layer at least partially surrounding the lateral and medial surfaces of the flap first layer, said flap second layer being free from fixed engagement with at least a portion of the medial surface of said flap first layer to define a surge chamber therebetween for receiving liquid body waste, the absorbent body and liquid permeable portion of the inner layer of said article being at least in part disposed between the surge chamber and the outer layer of said article.

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21 (Original). A disposable absorbent article as set forth in claim 20 wherein the flap first layer is formed separate from the inner layer of said article.

22 (Original). A disposable absorbent article as set forth in claim 20 wherein the flap second layer is formed separate from the inner layer of said article.

23 (Original). A disposable absorbent article as set forth in claim 20 wherein the flap second layer inhibits contact of the flap first layer with the wearer's skin.

24 (Original). A disposable absorbent article as set forth in claim 23 wherein the flap second layer overlays substantially the entire lateral surface of the flap first layer.

25 (Original). A disposable absorbent article as set forth in claim 20 wherein the flap first layer is substantially liquid impermeable.

26 (Canceled).

27 (Currently amended). Toilet training pants as set forth in claim [[26]] 39 wherein the flap first layer is substantially liquid impermeable.

28 (Original). A disposable absorbent article for personal wear, said disposable absorbent article comprising:

a liner adapted for contiguity with the wearer's skin, at least a portion of said liner being liquid permeable;

5 an outer cover in opposed relation with the liner;

an absorbent body disposed between the liner and outer cover for absorbing liquid body waste, the absorbent body being

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secured to the liner and being further secured to the outer cover to generally secure the absorbent body against movement relative to the liner and outer cover, the liner being secured to the outer cover about a periphery of the absorbent body to inhibit liquid body waste absorbed by the absorbent body against leaking out of the article between the liner and the outer cover; and

15 a pair of containment flaps secured to the liner in spaced relation with each other, each of said flaps comprising:

a first layer extending from a base of the flap adjacent the liner to a distal end of the flap, at least a portion of the distal end of the flap being spaced from the liner, said flap first layer having a lateral surface and a medial surface;

20 a liquid permeable second layer overlaying the lateral surface of the flap first layer from the base of the flap to the distal end of the flap and being secured to said lateral surface, the flap second layer extending in opposed relation with the medial surface of the flap first layer from the distal end of the flap to the liner, the flap second layer being secured to the medial surface of the flap first layer at a first seam adjacent the distal end of the flap and being further secured to the liner in laterally inward spaced relation with the base of the flap so that the liner, the flap first layer extending between the seam and the base, and the flap second layer extending between the seam and the liner together form a surge chamber for receiving liquid body waste; and

30 an elastic member secured between the flap first layer and the flap second layer generally at the distal end of the flap to bias the distal end of the flap toward a position in which the flap extends from the liner.

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29 (Original). A disposable absorbent article as set forth in claim 28 wherein the flap first layer is substantially liquid impermeable.

30 (Currently amended). A method of manufacturing toilet training pants comprising:

5       securing an absorbent body between a liner and an outer cover and securing the liner to the outer cover about a periphery of the absorbent body, the liner being adapted for contiguity with the wearer's skin and at least in part being liquid permeable, said liner and outer cover together defining an anterior side, a crotch region and a posterior side of the training pants;

10       securing front and rear side panels respectively to the anterior and posterior sides of the training pants to extend laterally outward from the liner and outer cover, and securing adjacent front and rear side panels together so that the side panels, together with the anterior side, crotch region and  
15       posterior side of the pants form a central waist opening and a pair of leg openings of the training pants, the crotch region being disposed between the leg openings;

20       securing a pair of containment flaps to the liner in spaced relation with each other, each of said flaps being formed by:

      securing a first layer of the flap to the liner to define a base of the flap;

25       overlaying a liquid permeable second layer over a lateral surface of the flap first layer from the base of the flap to a distal end thereof;

      securing said flap second layer to the lateral surface of the flap first layer;

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wrapping the flap second layer around the distal end of the flap;

30        overlaying the flap second layer over a medial surface of the flap first layer from the distal end of the flap to the liner;

      securing the flap second layer to the liner in laterally inward spaced relation with the base of the flap so that the  
35        liner, the medial surface of the flap first layer extending between the distal end of the flap and the base, and the flap second layer extending between the distal end of the flap and the liner together form a surge chamber for receiving liquid body waste, the absorbent body and liner being at least in part  
40        disposed between the surge chamber and the outer cover; and

      securing an elastic member between the flap first layer and the flap second layer to bias the distal end of the flap to a position in which the distal end is spaced from the liner.

      31 (Original). A method as set forth in claim 30 further comprising the step of securing the flap second layer to the medial surface of the flap first layer at a first seam spaced from the base of the flap, the step of securing the flap second  
5        layer to the liner comprising securing the flap second layer to the liner in laterally inward spaced relation with the base of the flap so that the liner, the medial surface of the flap first layer extending between the seam and the base, and the flap second layer extending between the seam and the liner  
10        together form a surge chamber for receiving liquid body waste.

      32 (Original). A method as set forth in claim 30 wherein the step of securing an elastic member between the flap first layer and the flap second layer comprises securing an elastic member between the flap first layer and the flap second layer



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5 generally at the distal end of the flap to bias the distal end of the flap so that the flap extends from the liner in space relation thereto.

33 (Currently amended). A disposable absorbent article as set forth in claim [[1]] 36 wherein each containment flap further comprises an elastic member to bias the distal end of the flap toward a position spaced from the base of the flap.

34 (Previously presented). A disposable absorbent article as set forth in claim 20 wherein each containment flap further comprises an elastic member to bias the distal end of the flap toward a position spaced from the base of the flap.

35 (Currently amended). Toilet training pants as set forth in claim [[26]] 39 wherein each containment flap further comprises an elastic member to bias the distal end of the flap toward a position spaced from the base of the flap.

36. (New). A disposable absorbent article for personal wear, said disposable absorbent article comprising:

- an inner layer adapted for contiguity with the wearer's skin, at least a portion of said inner layer being liquid permeable;
- an outer layer in opposed relation with the inner layer;
- an absorbent body disposed between the inner layer and the outer layer of said article for absorbing liquid body waste;
- and
- 10 a pair of containment flaps on said article in spaced relation with each other, each flap having a base secured to the article and a distal end, at least a portion of the distal end being movable relative to said base to a position in which said distal end is spaced from the inner layer of said article,

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15 said containment flaps each comprising:

a first layer extending from the base of the flap to the distal end of said flap, said flap first layer having a lateral surface, a medial surface; and

20 a liquid permeable second layer in opposed relation with the medial surface of the flap first layer, said flap second layer being free from fixed engagement with at least a portion of the medial surface of said flap first layer to define a surge chamber therebetween for receiving liquid body waste, the flap second layer having a width greater than a width of said  
25 portion of the medial surface of the flap first layer and being secured to at least one of the flap first layer and the inner layer of the article whereby the absorbent body and liquid permeable portion of the inner layer of said article are at least in part disposed between the surge chamber and the outer  
30 layer of said article.

37. (New). A disposable absorbent article for personal wear, said disposable absorbent article comprising:

an inner layer adapted for contiguity with the wearer's skin, at least a portion of said inner layer being liquid  
5 permeable;

an outer layer in opposed relation with the inner layer;

an absorbent body disposed between the inner layer and the outer layer of said article for absorbing liquid body waste;  
and

10 a pair of containment flaps secured to the article in spaced relation with each other, each flap having a base secured to said article and a distal end, at least a portion of the distal end being movable relative to said base to a position in which said distal end is spaced from the inner

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15 layer of said article, said containment flaps each comprising:  
a first layer extending from the base of the flap to the  
distal end of said flap, said flap first layer having a lateral  
surface and a medial surface; and  
a liquid permeable second layer in opposed relation with  
20 the medial surface of the flap first layer, said flap second  
layer being free from fixed engagement with at least a portion  
of the medial surface of said flap first layer to define a  
surge chamber therebetween for receiving liquid body waste,  
said flap second layer being secured to the medial surface at a  
25 first seam therebetween generally at the distal end of the flap  
and being further secured to the medial surface at a second  
seam spaced from said first seam, said portion of the medial  
surface of the flap first layer extending between the first  
seam and the second seam, said liquid permeable portion of the  
30 inner layer of said article being interposed between the surge  
chamber and the absorbent body of said article.

38. (New). A disposable absorbent article for personal  
wear, said disposable absorbent article comprising:

an inner layer adapted for contiguity with the wearer's  
skin, at least a portion of said inner layer being liquid  
5 permeable;  
an outer layer in opposed relation with the inner layer;  
an absorbent body disposed between the inner layer and the  
outer layer of said article for absorbing liquid body waste;  
and  
10 a pair of containment flaps secured to the article in  
spaced relation with each other, each flap having a base  
secured to said article and a distal end, at least a portion of  
the distal end being movable relative to said base to a

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position in which said distal end is spaced from the inner  
15 layer of said article, said containment flaps each comprising:  
a first layer extending from the base of the flap to the  
distal end of said flap, said flap first layer having a lateral  
surface and a medial surface; and  
a liquid permeable second layer in opposed relation with  
20 the medial surface of the flap first layer, said flap second  
layer being free from fixed engagement with at least a portion  
of the medial surface of said flap first layer to define a  
surge chamber therebetween for receiving liquid body waste,  
said flap second layer also being secured to the medial surface  
25 at least at one location therebetween, the flap second layer  
further extending in opposed relationship with at least a  
portion of the lateral surface of the flap first layer  
intermediate the base of the flap and the distal end of the  
flap and being secured to the lateral surface of the flap first  
30 layer at least at one location therebetween.

39. (New) An absorbent article as set forth in claim 36  
wherein the absorbent article comprises a pair of training  
pants having an anterior side, a posterior side and a crotch  
region disposed longitudinally therebetween, said anterior  
5 side, posterior side and crotch region being integrally formed  
and configured to define a central waist opening and a pair of  
leg openings of the pants, the crotch region extending  
generally laterally between said leg openings, the inner layer  
of the article extending from the anterior side through the  
10 crotch region to the posterior side, the outer layer extending  
from the anterior side through the crotch region to the  
posterior side in opposed relation with the inner layer, the  
containment flaps being secured to the inner layer of said

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15 pants in laterally spaced relation with each other between the  
leg openings and extending generally longitudinally from the  
anterior side through the crotch region to the posterior side  
of the pants.

40. (New). An absorbent article as set forth in claim 28  
wherein the absorbent body and liquid permeable portion of the  
liner of said article are at least in part disposed between the  
surge chamber and the outer cover of said article.

41. (New). An absorbent article as set forth in claim 38  
wherein the absorbent body and liquid permeable portion of the  
liner of said article are at least in part disposed between the  
surge chamber and the outer cover of said article.